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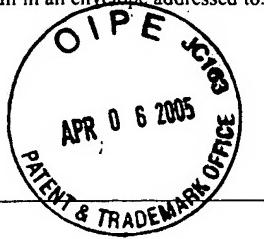
On April 1, 2005

TOWNSEND and TOWNSEND and CREW LLP

By: Connie Larson

**PATENT**  
Attorney Docket No.: 016354-005213US

IFW



## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Keith G. Lurie

Application No.: 10/796,875

Filed: March 8, 2004

For: VENTILATOR AND METHODS  
FOR TREATING HEAD TRAUMA  
AND LOW BLOOD CIRCULATION

Examiner:

Art Unit: 1614

INFORMATION DISCLOSURE  
STATEMENT UNDER 37 CFR §1.97 and  
§1.98

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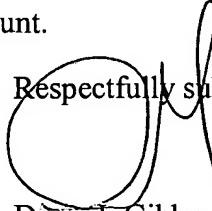
Sir:

The references cited on attached form PTO/SB/08A and PTO/SB/08B are being called to the attention of the Examiner. This application is a continuation-in-part of and relies upon U.S. Patent Application No. 10/660,462, filed September 11, 2003, Attorney Docket No. 016354-005211US ("the parent application") for an earlier effective filing date under 35 U.S.C. §120. In accordance with 37 CFR §1.98(d), copies of the references have all been previously submitted to or cited by the Office in the parent application, and are therefore not enclosed.

It is respectfully requested that the cited references be expressly considered during the prosecution of this application, and the references be made of record therein and appear among the "references cited" on any patent to issue therefrom.

As provided for by 37 CFR 1.97(g) and (h), no inference should be made that the information and references cited are prior art merely because they are in this statement and no representation is being made that a search has been conducted or that this statement encompasses all the possible relevant information.

Applicant believes that no fee is required for submission of this statement. However, if a fee is required, the Commissioner is authorized to deduct such fee from the undersigned's Deposit Account No. 20-1430. Please deduct any additional fees from, or credit any overpayment to, the above-noted Deposit Account.

Respectfully submitted,  
  
Darin J. Gibby  
Reg. No. 38,464

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DJG/cl  
60457406 v1

Substitute for form 1449A/PT



## INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary)

				Complete if Known
Application Number	10/796,875			
Filing Date	March 8, 2004			
First Named Inventor	Lurie, Keith G.			
Art Unit	1614			
Examiner Name				

Sheet	1	of	5	Attorney Docket Number	016354-005213US
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### U.S. PATENT DOCUMENTS\*

Examiner Initials*	Cite No. <sup>1</sup>	Document Number		Publication Date MM-DD-YYYY <sup>2</sup>	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number	Kind Code <sup>2</sup> (if known)			
	A1	US-2,774,346		12-1956	Halliburton	
	A2	US-3,077,884		02-1963	Batrow et al.	
	A3	US-3,191,596		06-1965	Bird et al.	
	A4	US-3,191,596		06-1965	Bird et al.	
	A5	US-3,307,541		03-07-1967	Hewson	
	A6	US-3,459,216		08-1969	Bloom et al.	
	A7	US-3,515,163		06-1970	Freeman	
	A8	US-3,662,751		05-1972	Barkalow et al.	
	A9	US-3,669,108		06-1972	Sundblom et al.	
	A10	US-3,794,043		02-1974	McGinnis	
	A11	US-3,815,606		06-11-1974	Mazal	
	A12	US-3,834,383		09-1974	Weigl et al.	
	A13	US-3,933,171		01-1976	Hay	
	A14	US-4,041,943		08-1977	Miller	
	A15	US-4,077,404		03-07-1978	Elam	
	A16	US-4,166,458		09-04-1979	Harrigan	
	A17	US-4,226,233		10-07-1980	Kritzer	
	A18	US-4,259,951		04-07-1981	Chernack et al.	
	A19	US-4,298,023		11-1981	McGinnis	
	A20	US-4,316,458		02-1982	Hammerton-Fraser	
	A21	US-4,320,754		03-23-1982	Watson et al.	
	A22	US-4,349,015		09-1982	Alferness	
	A23	US-4,397,306		08-09-1983	Weisfeldt et al.	
	A24	US-4,446,864		05-08-1984	Watson et al.	
	A25	US-4,449,526		05-22-1984	Elam	
	A26	US-4,481,938		11-13-1984	Lindley	
	A27	US-4,533,137		08-06-1985	Sonne	
	A28	US-4,601,465		07-22-1986	Roy	
	A29	US-4,809,683		03-1989	Hanson	
	A30	US-4,827,935		05-09-1989	Geddes et al.	
	A31	US-4,881,527		11-21-1989	Lerman	
	A32	US-4,898,166		02-06-1990	Rose et al.	
	A33	US-4,928,674		05-29-1990	Halperin et al.	
	A34	US-5,014,698		05-1991	Cohen	
	A35	US-5,016,627		05-1991	Dahrendorf	
	A36	US-5,050,593		09-24-1991	Poon	
	A37	US-5,056,505		10-15-1991	Warwick et al.	
	A38	US-5,109,840		05-05-1992	Daleidon	
	A39	US-5,163,424		11-1992	Kohnke	
	A40	US-5,184,620		02-1993	Cudahy et al.	
	A41	US-5,193,544		03-1993	Jaffe	

Examiner Signature	Date Considered
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> Kind Codes of U.S. Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

60457406 v1

Substitute for form 1449A/PTO				<b>Complete if Known</b>	
				Application Number	10/796,875
				Filing Date	March 8, 2004
				First Named Inventor	Lurie, Keith G.
				Art Unit	1614
				Examiner Name	
Sheet	2	of	5	Attorney Docket Number	016354-005213US

<b>U.S. PATENT DOCUMENTS+</b>					
Examiner Initials*	Cite No. <sup>1</sup>	Document Number Number Kind Code <sup>2</sup> (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
	A42	US-5,217,006	06-08-1993	McCulloch	
	A43	US-5,235,970	08-1993	Augustine	
	A44	US-5,263,476	11-1993	Henson	
	A45	US-5,295,481	03-1994	Geeham	
	A46	US-5,301,667	04-1994	McGrail et al.	
	A47	US-5,305,743	04-1994	Brain	
	A48	US-5,355,879	10-1994	Brain	
	A49	US-5,377,671	01-03-1995	Biondi et al.	
	A50	US-5,359,998	11-1994	Lloyd	
	A51	US-5,392,774	02-28-1995	Sato	
	A52	US-5,398,714	03-1995	Price	
	A53	US-5,454,779	10-1995	Lurie et al.	
	A54	US-5,492,116	02-1996	Scarberry et al.	
	A55	US-5,496,257	03-05-1996	Kelly	
	A56	US-5,517,986	05-1996	Starr et al.	
	A57	US-5,551,420	09-03-1996	Lurie et al.	
	A58	US-5,584,866	12-1996	Kroll et al.	
	A59	US-5,628,305	05-13-1997	Melker	
	A60	US-5,632,298	05-1997	Artinian	
	A61	US-5,645,522	07-1997	Lurie et al.	
	A62	US-5,692,498	12-02-1997	Lurie et al.	
	A63	US-5,704,346	01-06-1998	Inuoe	
	A64	US-5,730,122	03-24-1998	Lurie	
	A65	US-5,735,876	04-1998	Kroll et al.	
	A66	US-5,738,637	04-1998	Kelly et al.	
	A67	US-5,782,883	07-1998	Kroll et al.	
	A68	US-5,814,086	09-29-1998	Hirschberg et al.	
	A69	US-6,029,667	02-2000	Lurie	
	A70	US-6,062,219	05-16-2000	Lurie et al.	
	A71	US-6,155,257	12-05-2000	Lurie et al.	
	A72	US-6,224,562 B1	05-01-2001	Lurie et al.	
	A73	US-6,234,985 B1	05-22-2001	Lurie et al.	
	A74	US-2001/0029399 A1	10-11-2001	Orr et al.	
	A75	US-6,312,399 B1	11-06-2001	Lurie et al.	
	A76	US-2002/0069878 A1	06-13-2002	Lurie et al.	
	A77	US-6,425,393	07-30-2002	Lurie et al.	
	A78	US-6,459,933 B1	10-01-2002	Lurie et al.	
	A79	US-6,463,327 B1	10-08-2002	Lurie et al.	
	A80	US-2002/0170562 A1	11-21-2002	Lurie et al.	
	A81	US-2003/0037784 A1	02-27-2003	Lurie	

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<sup>1</sup>EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>2</sup> Applicant's unique citation designation number (optional). <sup>3</sup> Kind Codes of U.S. Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>4</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>5</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>6</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

Substitute for form 1449A/PTO <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b> <i>(use as many sheets as necessary)</i>				<b>Complete if Known</b>			
				Application Number		10/796,875	
				Filing Date		March 8, 2004	
				First Named Inventor		Lurie, Keith G.	
				Art Unit		1614	
				Examiner Name			
Sheet	3	of	5	Attorney Docket Number	016354-005213US		

<b>U.S. PATENT DOCUMENTS+</b>					
Examiner Initials*	Cite No. <sup>1</sup>	Document Number Number Kind Code <sup>2</sup> (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
	A82	US-6,526,973	03-04-2003	Lurie et al.	
	A83	US-2003/0062041 A1	04-03-2003	Lurie et al.	
	A84	US-6,578,574	06-2003	Kohnke	
	A85	US-6,587,726 B2	07-01-2003	Lurie et al.	
	A86	US-6,604,523	08-12-2003	Lurie et al.	
	A87	US-6,792,947	09-2004	Bowden	

<b>FOREIGN PATENT DOCUMENTS</b>							
Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document		Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>6</sup>
		Country Code <sup>3</sup>	Number <sup>4</sup> Kind Code <sup>5</sup> (if known)				
	B1	CA	668771	08-20-1963			<input type="checkbox"/>
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	B3	DE	24 53 490	A1	05-15-1975		<input type="checkbox"/>
	B4	EP	0 029 352	A1	05-27-1981		<input type="checkbox"/>
	B5	EP	0 139 363	A1	05-02-1985		<input type="checkbox"/>
	B6	EP	0 245 142	A1	11-11-1987		<input type="checkbox"/>
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	B9	EP	0 509 773	A1	10-21-1992		<input type="checkbox"/>
	B10	GB	1 465 127		02-23-1977		<input type="checkbox"/>
	B11	GB	2 139 099	A	11-07-1984		<input type="checkbox"/>
	B12	PCT	WO90/05518	A1	05-31-1990		<input type="checkbox"/>
	B13	PCT	WO93/21982	A1	11-11-1993		<input type="checkbox"/>
	B14	PCT	WO94/26229	A1	11-24-1994		<input type="checkbox"/>
	B15	PCT	WO95/13108	A1	05-18-1995		<input type="checkbox"/>
	B16	PCT	WO95/28193	A1	10-26-1995		<input type="checkbox"/>
	B17	PCT	WO96/28215	A1	09-19-1996		<input type="checkbox"/>
	B18	PCT	WO99/63926	A1	12-16-1999		<input type="checkbox"/>
	B19	PCT	WO01/70332	A1	09-27-2001		<input type="checkbox"/>
	B20	PCT	WO02/092169	A1	11-21-2002		<input type="checkbox"/>

Examiner Signature	Date Considered
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60457406 v1

Substitute for form 1449A/PTO <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b> <i>(use as many sheets as necessary)</i>				<b>Complete if Known</b>	
Sheet	<b>4</b>	of	<b>5</b>	Application Number	10/796,875
				Filing Date	March 8, 2004
				First Named Inventor	Lurie, Keith G.
				Art Unit	1614
				Examiner Name	
				Attorney Docket Number	016354-005213US

<b>NON PATENT LITERATURE DOCUMENTS</b>				
Examiner Initials *	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.		T <sup>2</sup>
	C1	Christenson, J.M., "Abdominal Compressions During CPR: Hemodynamic Effects of Altering Timing and Force", The Journal of Emergency Medicine, vol. 10, pp. 257-266, 1992.		
	C2	Cohen, Todd J. et al., "Active Compression-Decompression Resuscitation: a Novel Method of Cardiopulmonary Resuscitation", Department of Medicine and the Cardiovascular Research Institute, UC San Francisco, American Heart Journal 126(5):1145-1150, 1992.		
	C3	Cohen, Todd J. et al., "Active Compression-Decompression: A New Method of Cardiopulmonary Resuscitation", JAMA 267(21): 2916-2923 (Jun. 3, 1992).		
	C4	Ambu International A/S "Directions for use of Ambu® CardioPump™, 8 pages.		
	C5	Dupuis, Yvon G., Ventilators- Theory and Clinical Application, pp. 447-448, 481, 496; Jan. 1986, Mosby Company.		
	C6	Geddes, L.A. et al., "Inspiration Produced by Bilateral Electromagnetic, Cervical Phrenic Nerve Stimulation in Man," IEEE Transactions on Biomedical Engineering 38(9): 1047-1048 (Oct. 1991).		
	C7	Geddes, L.A. et al., "Optimum Stimulus Frequency for Contracting the Inspiratory Muscles with chest Surface Electrodes to Produce Artificial respiration," Annals of Biomedical Engineering 18:103-108 (1990).		
	C8	Geddes, L.A., "Electrically Produced Artificial Ventilation," Medical Instrumentation 22(5): 263-271 (1988).		
	C9	Geddes, L.A., "Electroventilation—A Missed Opportunity?", Biomedical Instrumentation & Technology, Jul./Aug. 1998, pp. 401-414.		
	C10	Glenn, William W.L. et al., "Diaphragm Pacing by Electrical Stimulation of the Phrenic Nerve," Neurosurgery 17(6): 974-984 (1985).		
	C11	Glenn, William W.L., et al., "Twenty Years of Experience in Phrenic Nerve Stimulation to Pace the Diaphragm," Pace 9: 780-784 (Nov./Dec. 1986, Part I).		
	C12	Kotze, P.L. et al., "Diaphragm Pacing in the Treatment of Ventilatory Failure," San. Deel 68:223-224 (Aug. 17, 1995).		
	C13	Laghi, Franco et al., "Comparison of Magnetic and Electrical Phrenic Nerve Stimulation in assessment of Diaphragmatic Contractility," American Physiological society, pp. 1731-1742 (1996).		
	C14	Lindner, Karl H. et al., "Effects of Active Compression-Decompression Resuscitation on Myocardial and Cerebral Blood Flow in Pigs" Department of Anesthesiology and Critical Care Medicine, University of Ulm, Germany, Circulation 88(3):1254-1263, (Oct. 7, 1993).		
	C15	Lurie, Keith G. et al., "Regulated to Death: The Matter of Informed Consent for Human Experimentation in Emergency Resuscitation Research," Cardiac Arrhythmia Center at the University of Minnesota, PACE 18:1443-1447 (Jul. 1995).		

Examiner Signature		Date Considered	
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<sup>1</sup>EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>2</sup>Applicant's unique citation designation number (optional). <sup>2</sup>Applicant is to place a check mark here if English language Translation is attached.

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<b>NON PATENT LITERATURE DOCUMENTS</b>				
Examiner Initials *	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.		
	C16	Mushin W. W. et al., "Automatic Ventilation of the Lungs--The Lewis-Leigh Inflating Valve," Blackwell Scientific, Oxford, GB, p. 838.		
	C17			

Examiner Signature	Date Considered
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<sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> Applicant is to place a check mark here if English language Translation is attached.



# TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

	Application Number <b>10/796,875</b> Filing Date <b>March 8, 2004</b> First Named Inventor <b>Lurie, Keith G.</b> Art Unit <b>1614</b> Examiner Name _____ Attorney Docket Number <b>016354-005213US</b> Total Number of Pages in This Submission _____
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**ENCLOSURES (Check all that apply)**

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached  <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s)  <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input checked="" type="checkbox"/> Information Disclosure Statement  <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Return Postcard
<b>Remarks</b> The Commissioner is authorized to charge any additional fees to Deposit Account 20-1430.		

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm Name	Townsend and Townsend and Crew LLP		
Signature			
Printed name	Darin J. Gibby		
Date	April 1, 2005	Reg. No.	38,464

**CERTIFICATE OF TRANSMISSION/MAILING**

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Signature			
Typed or printed name	Connie Larson	Date	April 1, 2005